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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Carol Ann

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EXAMINER

NGUYEN, TAN D

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PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/887,781	Applicant(s) ANN ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,9,10 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,9,10 and 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/08 has been entered.

Response to Amendment

2. The amendment filed 9/11/2008 has been entered. Claims 1-2, 4, 6, 9-10, 13-30 are pending and rejected below. Claims 3, 5, 7-8 and 11-12 have been canceled. The claims consist of 3 independent claims which comprises 2 system claims: 1-2, 4-6, 18-29, and 30, and a method claim: 9-10, 13-17.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4, 6, 18-29 (article), 9-10, 13-17 (method), and 30 (system) are rejected under 35 U.S.C. 103(a) as being unpatentable over BOWMAN-AMUAH in view of VELLANTE et al.

5. Claim 1 is as followed:

1. (Currently Amended) An enterprise architecture model of a business and the business's information technology, the enterprise architecture model stored in, manipulated by and implemented in a data processing system having at least one computer processing unit and at least one memory connected to at least one computer processing unit, comprising:

- a) at least one computer processing unit;
- b) at least one memory connected to at least one computer processing unit;

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c) a business architecture stored in at least one memory and accessible by at least one computer processing unit, the business architecture having a plurality of business components within a database stored in at least one memory and accessible by at least one computer processing unit wherein each business component has an operational linkage with at least one other business component;

d) an information technology architecture stored in at least one memory and accessible by at least one computer processing unit, the information technology architecture comprising at least one application software component that processes at least business information data from the business architecture, and a plurality of information technology components within the database wherein each information technology component has an operational linkage with at least one other information technology component;

e) a linkage assessment tool executing in at least one computer processing unit that evaluates an impact on one of the architectures resulting from a change in at least one component in the other of the architectures; and

(f) an impact assessment work product generated by at least one computer processing unit that outputs the results of the linkage assessment component.

Note: for convenience, letters (a)-(f) are added to the beginning of each step.

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As for independent article claim 1, similarly, BOWMAN-AMUAH discloses an enterprise system for modeling the operation of a business enterprise and its information processing, the system comprising:

An enterprise architecture model of a business and the business's information technology, the enterprise architecture model stored in, manipulated by and implemented in a data processing system having at least one computer processing unit and at least one memory connected to at least one computer processing unit, comprising:

- a) at least one computer processing unit;
- b) at least one memory connected to at least one computer processing unit;
- c) a business architecture stored in at least one memory and accessible by at least one computer processing unit, the business architecture having a plurality of business components within a database stored in at least one memory and accessible by at least one computer processing unit wherein each business component has an operational linkage with at least one other business component;
- d) an information technology architecture stored in at least one memory and accessible by at least one computer processing unit, the information technology architecture comprising at least one application software component that processes at least business information data from the business architecture, and a plurality of information technology components within the database wherein each information technology component has an operational linkage with at least one other information technology component;

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{see Figs. 1, element 220 "MANAGING CHANGE", 2A, 4-5, 10 and 13, cols. 15-16, 32-33, 47-48, 61-62, 67-70, 95 "Linker"}

BOWMAN-AMUAH fairly teaches the claimed invention except for the last 2 steps.

In a similar method/system for assessing and quantifying the business value of an Information Technology (IT) applications or sets of application, VELLANTE et al fairly teaches steps:

e) a linkage assessment tool executing in at least one computer processing unit that evaluates an impact on one of the architectures resulting from a change in at least one component in the other of the architectures; and

(f) an impact assessment work product generated by at least one computer processing unit that outputs the results of the linkage assessment component.

For the benefits of providing more workable gauge of the real values of the business architectures as functions of IT changes or IT variations at high level changes or variations {see Figs. 1, 2, 4, 10, 14, 17, 19 and 22, pars [0016-0020], and [0086-0093]}. It would have been obvious to modify the teachings of BOWMAN-AMUAH by impact assessment work product of VELLANTE et al for the benefits of providing more workable gauge of the real values of the business architectures as functions of IT changes or IT variations at high level changes or variations {see Figs. 1, 2, 4, 10, 14, 17, 19 and 22, pars [0016-0020]}.

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As for dep. claims 2, 4 (part of 9 above) which deal with an element/item for accessing the data for changing/modifying business element, this is taught in BOWMAN-AMUAH Figs. 1, 2, 13 and cols. 9-26 or VELLANTE et al Figs. 2, 6, and 8.

As for dep. claims 6, 18-29, 10 and 13-17 which deal with architecture (organization structures) parameters for the business enterprise and the information technology, these are fairly taught in Figs. 1, 2 and 13, and cols. 9-26 or VELLANTE et al Figs. 2, 6, and 8. Moreover, these terms or structures appear to be non-functional in a data processing system.

As for independent claims 9 and system claim 30, which appear to be the method claim and system claim to carry out the independent article claim 1 above, they are rejected over the article/computer program product claim of BOWMAN-AMUAH in view of VELLANTE et al as shown on Figs. 1-2, or BOWMAN-AMUAH or Fig. 1 or pars [0063-0064] of VELLANTE et al.

As for dep. claims 6, 18-29, 10 and 13-17 which deal with architecture (organization structures) parameters for the business enterprise and the information technology, these are fairly taught in Figs. 1, 2 and 13, and cols. 9-26 or VELLANTE et al Figs. 2, 6, and 8. Moreover, these terms or structures appear to be non-functional in a data processing system.

Response to Arguments

6. Applicant's arguments with respect to the previous rejections have been considered but are moot in view of the new ground(s) of rejection which are due to applicant's amendment.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 2002/0133368, by STRUTT et al fairly discloses similar teachings to BOWMAN-AMUAH, and is cited here for applicants' awareness of potential use in the future if needed to avoid duplicate rejections.

No claims are allowed.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689